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# Pandemic Police Power, Public Health and the Abolition Question

Tryon P. Woods

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Palgrave Studies in Race, Ethnicity, Indigeneity  
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Question**

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# Epigraph

Alter the speed  
Or the direction of Change.  
Vary the scope of Change.  
Recombine the seeds of Change.  
Transmute the impact of Change.  
Seize Change.  
Use it.  
Adapt and grow.

—Octavia Butler, *Parable of the Talents* (New York: Seven Stories, 2017), 33

*I dedicate Pandemic Police Power to my daughters, Naomi Marie and Assana Simone. May the wisdom of your ancestors in the black freedom struggle, as well as the courage of all independent thinkers across the ages, guide your personal journeys to spiritual, physical, and emotional whole living.*

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## About the Author

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# 1

## Introduction: Racial Sacrifice and Abolition in the Pandemic Year

In the twentieth year of the twenty-first century, the Pandemic Year, not even the virus could displace policing from its usual share of the news headlines. The current global economic and public health crises are unprecedented in modern human history. The antiblack violence of state and civil society is not; it is typical, banal, and contiguous with times gone before and times yet to come. These two facts—what is alarmingly new and grotesquely familiar—are of the utmost analytical and political importance. We need to think them together in order to understand policing. The unprecedented and the precedential, which is also the precedent for all else—two data sets, if you will, from which we can scientifically discern a larger pattern, a historical process in which we remain mired. There can be no simple reading of a text, however, be it literary or legal, scientific or historical, nor of the social or political text in the most general sense. Rather, we must turn the question of policing upon itself, no less than its putative object, as a matter of *interpretation* confronting *representation* and, more importantly, as a matter of the *forces* at work in the interpretative activity under way. In this regard, for the task at hand, we appear to swim upstream; but in fact, we

are pulled along by a deep and powerful current. Interpreting policing within the historical forces of the Pandemic Year, or any earlier or later moment besides, ascribes voice to what is otherwise muted, attributes a face, or reveals the placement of a mask—and ultimately attests to a veiled reality that is oftentimes indistinguishable from self-delusion on a systemic scale.<sup>1</sup>

In order to interpret policing through the forces that have produced the Pandemic Year, we need to retrain our reading practices. In this essay I return to the long history of black social movement and the archives of black thought for guidance. While the analysis I put forth here may cut against the grain of much of the leading discourse on both policing and public health today, it strives for fidelity with the black liberation struggle. Indeed, it is my contention that were we more faithful to this record, not simply when confronting the state's narrative of law and order, but again, for interpreting *all* facets of the social text generally, we might have more clarity and unity of purpose. Or, at least things might be different than what we find today—which is, the acute expansion of inequality, suffering, and relations of dominance, *and at the same time*, an almost rabid suppression of dissent and independent thought.

There has been ample critique of how the modern world is structured to sacrifice black life to white interests, and it is necessary to remember that this assessment has been lodged from no less of an institutionalized position than the highest levels of the legal academy. The late Derrick Bell, patriarch of sorts within the Critical Race Theory movement in the law, was one source of such an interpretation of U.S. history. Bell's famous Space Traders parable told of how aliens from outer space offered to cure all of the social and structural ills of American society—environmental degradation and pollution, poverty and debt, inequality and violence—in exchange for the country's black people.<sup>2</sup> In Bell's story, American leaders agree to the deal, and black Americans are, once again, trotted onto ships and transported to an unknown fate. Bell makes it clear that American society views blacks *as* its most caustic social ill and as a lesser class of beings useful for addressing its myriad of other problems, and would leap at the chance to clear black people off the country's historical ledger of accounts.

Bell's Space Traders parable simply takes his earlier legal theory of "interest convergence" and renders it as an evocative pedagogical narrative. In his 1980 *Harvard Law Review* article, "*Brown v. Board of Education* and the Interest-Convergence Dilemma," Bell argues that the landmark civil rights decision in *Brown* does not mark progress toward racial justice, but merely the momentary convergence of white and black interests.<sup>3</sup> According to his interest convergence theory, racially progressive policies only occur when they advance, or at least do not impede, the interests of whites. Furthermore, such policies are systematically undone when those measures no longer serve the interests of whites. For this reason, Bell argues that education reform should not seek racial balance, but rather hold out real educational effectiveness as its goal. This may entail improving desegregated schools, but it may also require preserving or creating black schools. Bell's argument is informed not only by the failures of legal and institutional reform in the post-civil rights period, but also by his experience as an attorney working with Charles Hamilton Houston and Thurgood Marshall at the NAACP Legal Defense Fund constructing the school desegregation cases that would result in the *Brown* decision. Bell explains that many of the black families the LDF represented did not want their children integrated into white schools, they simply wanted better funding for black schools.<sup>4</sup> These black families recognized that integration was a false promise for the very reasons Bell would later come to articulate as the pitfalls of interest convergence. Contrary to the analysis of black families, however, the elite civil rights organizations pursued integration through legal reform.

We can use black "fungibility" as shorthand for the historical reality that Bell describes in terms of a society structured to sacrifice black needs to white interests. To be fungible is to be available for all manner of usage. Fungibility implies an objectified status as well as a relation between subjects and objects. The fungible object has no input in, nor any capacity to intervene on, the uses to which it is put; hence, fungibility connotes how a human subject acts upon an objectified non-human being. The only people construed as non-human beings are slaves, and indeed, fungibility is the central characteristic of enslaved status. While slaves frequently worked to produce surplus value for the slaveholder and wealth for the slavocracy as a whole, there were many who did

not labor—and yet all enslaved people were fungible for establishing the concept of humanity that Europeans created in their image.<sup>5</sup> No less than five centuries of racial slavery secured humanity as white and its negation as black. The purpose of the enslaved person, in short, was to serve as a surrogate human being: the slave existed so that the master could become “human.”<sup>6</sup> The resulting social system has come to be grounded in *antiblackness*, wherein blackness serves as that which orients not only the standing of human beings (no matter how immiserated or dispossessed under white supremacy or capital or patriarchy or empire or settler colonialism), but also the institutions that arose through, or coincident with, the antiblack violence of the slave trade: the nation-state form and its international system, democratic governance, rule of law, capitalist political economy, science and modern medicine, and so forth. Racial slavery created the “antiblack world” as an epistemic system wherein blackness is only present as an absence—of value, of identity, of meaning, of bodily integrity.<sup>7</sup> The very lexicon of the modern world is thus structured in a systemic form of bad faith: because modern principles of fairness, equality, and democracy rest on the disavowal of the violence which inaugurated the modern era (the slave trade) and which continues to structure modern institutions and social life (antiblackness), the modern world and its everyday discourses are structured in a profoundly obtuse misrepresentation of reality.

The Pandemic Year has inspired many related observations about black sacrifice. A recent piece from *Essence* magazine, for instance, claims that so-called essential workers—disproportionately black and female—are inadequately protected from virus transmission and sacrificed to the public health crisis so that the economic crisis can be averted.<sup>8</sup> The *Essence* article cites the history of J. Marion Sims, recognized by Western medicine as the Father of Gynecology, who conducted experiments on enslaved women without anesthesia, claiming that black people do not experience pain the way whites do. These enslaved women were tortured to enable advances in modern medicine.<sup>9</sup> Evoking this history to call for better protection from transmission of the COVID-19 virus today, however, is a treacherous formulation of the problem at hand because it trades on a historical truth (antiblack violence) to obscure a contemporary set of half-truths and untruths related to the pandemic. The history

of slavery does indeed continue to structure our present: black people continue to experience medical discrimination and malpractice, as well as disproportionate illness, chronic disease, and premature death related to a range of social factors.<sup>10</sup> Citing this reality, however, only contributes to the mystification that the pandemic relies upon for its coherence. To put it differently, the police power makes good use of black history when it serves its policing aims. This is part of the price we continue to pay in the post-civil rights era for the suppression of black self-determination.<sup>11</sup>

The main argument in *Pandemic Police Power* is that in order to understand what policing is we need to learn how to read it where it is least legible, because policing is most effective precisely where and when it goes unnoticed *as* policing. I use the Pandemic Year to demonstrate this claim because it concentrates the many diffuse forms of social policing unlike ever before *and* stands as the latest case study in fungible blackness. Examining the Pandemic Year in terms of the police power reveals the centrality of medical science and public health to the complex structure of social control, capital accumulation, and antiblack racism. The COVID-19 pandemic is *not* what we think it is any more than policing is as it appears. The efficacy of any legal case is no different from a medical one in that it rests on an accurate establishment of the facts from which the case issues. I begin, therefore, with law, first establishing how policing by law enforcement is subordinate to the police power of state and civil society. I then review, in Chapter 3, the relatively recent trends in criminal justice reform, including the push to abolish prisons and police, the role of private capital in shaping past and future changes, and the problem of violence. In Chapter 4, I briefly consider antiblack policing by means other than criminal justice, namely finance, housing, education, and technology. Chapters 2–4 will establish four things. First, they will enable us to reconceptualize how we understand policing, and in so doing, prepare the analytical ground to discern public health policing for what it is in the present pandemic. Second, the idea of police and prison abolition has gained momentum in recent years as the criminal justice system has consistently come under attack from all quarters, leaving the state with an unprecedented legitimacy problem in this arena. Third, this threat of illegitimacy faced by the criminal justice system, however, has not yet translated to other areas of society, which all

told, are far more injurious and consequential to freedom than criminal justice. Fourth, the historical evidence requires the same independent abolitionist research and critical evaluation of medical and public health practices and policies that was applied to law and order to produce the current widespread objection to the system of mass incarceration.

With this evidence in hand, I turn in the fifth chapter to the COVID-19 situation, applying the historical praxis of black struggle to a critical evaluation of the Pandemic Year. I examine the scientific evidence on testing, infection, treatment, and vaccination. In addition to the fraudulent reliance on inaccurate diagnostic tests, the avoidance of reliable, safe, and affordable treatment and prevention, and the xenotropic problem with vaccine production, this chapter scrutinizes the kind of public health model that heavily relies upon vaccination. Chapter 6 deepens this analysis of the COVID-19 situation by looking at vaccination in historical context. Of particular interest here is the historical record of vaccine efficacy, its connections to the racist science of eugenics, and the legal discourse of the vaccine regime. Vaccine law, *in the context of suspect vaccine efficacy*, provides the backdrop and the object of analysis for examining the pandemic police power in this chapter. While there are serious legal implications to the Pandemic Year—including civil liberties, tort damages, fraud, white-collar and state crime, international treaty conventions, and class action lawsuits—law remains constitutive and subordinate to all policing, not external or supraordinate to it. Law's relation to policing in all its myriad forms, in other words, is structural, not instrumental. Chapter 7 interrogates the assertion that black people and other historically marginalized groups need better “access” to medical and public health institutions. Such an approach flaunts the historical struggle and political insights of abolitionism. What will emerge in due course is a portrait of policing by medical science and public health institutions in the service of an expanded social control apparatus at the expense of the public's further diminished capacity for dissent and self-determination. That is, the Pandemic Year represents a severe cost to public health in almost every way *besides* viral infection.

## Abolition

This study is heavily dependent upon, and seeks to leverage, the political, historical, and analytical insights of abolition. There are many different iterations, practices, and discourses operating under the title of abolitionism, and a comprehensive overview of them all is beyond the scope of this work. Today abolition is most commonly associated with the call to abolish prisons and police, but it also has its applications where ever structures of social control are perceived as oppressive and impervious to change. Within a complex of Western European and North American academic discourses on punishment, custody, and incapacitation, and identifying itself variously as prison abolition, penal abolition, or carceral abolition, abolitionism has been characterized as “a manifestation of the general human urge to do away with and to struggle against those phenomena or institutions of a social, political, or religious nature that at a given time are considered to be unjust, wrong, or unfair.”<sup>12</sup> Most people working with abolitionist thought in these veins acknowledge debts to larger historical, ethical, and spiritual traditions, and they commonly situate contemporary forms of punishment with respect to historical structures such as slavery, empire, settler colonialism, racial capitalism, hetero-patriarchy, and genocide. At the same time, there is a tendency to privilege academic discourse that arcs back philosophically to Michel Foucault and institutionally to the Western academic discipline of criminology, a decidedly limited and compromised framework of knowledge for understanding abolitionism.<sup>13</sup> In the late 1990s, North American academics and activists from various fields came together to develop an abolitionism focused on confronting the specifics of U.S. criminal justice system expansion in the post-civil rights era, analyzing mass incarceration in terms of a “prison industrial complex,” specifying the global and transnational sinews of this carceral network, and advancing abolition as a practical change agenda. This work has had a major impact both on abolitionism writ large and on how people across a variety of institutional contexts grapple with the unprecedented problems of U.S.-led carceral practices.

Many abolitionists prefer the term “prison industrial complex” to “criminal justice system” for a number of reasons. First, it highlights

how the system fuses profit and punishment such that criminal justice policy decisions are driven less by crime control or public safety needs, and more by the variety of economic interests invested in criminal justice system operation and expansion. In this way, “prison industrial complex” builds on the insights of the “military industrial complex” where observers from peace activists to former five-star general and U.S. President Dwight Eisenhower noted how foreign policy after World War II had become captured by military contractors such that war-making was driven by the profit motive rather than by threats to national security. While the military industrial complex has produced permanent warfare, the prison industrial complex demands constant escalation in policing, imprisonment, and the reach of criminal law throughout society. Second, while capital has always been enmeshed in war and punishment, as the reliance on mercenaries in medieval Europe and the persistence of debtor’s prisons across the modern era illustrate, the current period of the PIC stands out for how it signifies radical changes to state formation. With the rise of neoliberal economic globalism, the state’s *raison d’être* in the social policy arena has shifted away from social welfare to law and order. Third, from MIC to PIC, the state’s retreat from social investments in areas like education, housing, transportation, healthcare, and so forth, combined with permanent war against enemies foreign and domestic, requires constructing paranoid justifications that justify this extraordinarily lopsided state presence. When they buy into the notion that their lives are threatened by “crime,” people more easily tolerate their government’s increased spending on law and order while it defunds mostly everything else their communities need. Fourth, through their analysis of the prison industrial complex, abolitionists recognize that the criminal law is less about crime control, or safety and accountability, and more geared toward advancing the social control needs of the state-corporate nexus. In its most historically grounded iterations, then, this abolitionism understands the PIC as a historically specific manifestation of social control structures based on racial, gender-sex, settler colonial, and imperial violence. Finally, the PIC significantly expands the scope of abolition well beyond the traditional criminological concerns of the Eurocentric tradition of penal abolition. By focusing on the “complex” of

interests and forces that converge on the site of the prison, the PIC analysis reveals how punishment, policing, incapacitation, and surveillance occur through modalities and institutional contexts irreducible to the criminal justice apparatus. Abolitionists, therefore, pay close attention to how schools, clinics, hospitals, mediascapes, food production, labor, reproduction, sexualities, and more, are sites of domination and violence and thus warrant a fundamental dismantling similar to, and connected with, the abolition of prisons and police.

Abolitionists conclude from this analysis that the only viable solution to the prison industrial complex is to abolish prisons and all systems of control, punishment, and surveillance altogether. They generally reach this conclusion for two reasons. First, according to the insights identified above, the system itself is designed to harm, not to remedy harms, and therefore reforms to the criminal law end up strengthening rather than ameliorating these harmful systems of control, and extending the basic structures of power they represent. Secondly, solving the harms of the prison industrial complex, not to mention the oppressive structures that gain expression through it, means finding alternatives to state power and corporate control. Abolitionists urge community control over resources and problem-solving to foster the local self-determination on which radical social transformation can develop. There is great debate, of course, among abolitionists as to how these principles should translate into practice. While there is a utopian element to abolitionism, there is nothing more pragmatic than asking what do people need and how can individuals and collectives build their capacities to realize these needs for themselves. Moreover, the suggestion that abolition is impractical implicitly dismisses the prerogative of oppressed people to determine their own liberation. Black people's needs, in particular, are closely tied to abolitionist aims and methods, not simply because they bear a grossly disproportionate burden under the present social arrangement, but also because black freedom hinges on the thorough eradication of structures of power that manifest as the prison industrial complex.

Criminal justice is merely symptomatic of more fundamental problems with how society is set up, but as I have written in my recent study *Blackhood Against the Police Power: Punishment and Disavowal in the "Post-Racial" Era*, and elsewhere, the abolitionist focus on the criminal

justice system risks turning the symptoms of problems into hypervisible stand-ins for these problems. While any serious abolitionist will agree that the way society is organized must undergo a fundamental overhaul in order to positively impact the problems that manifest as, and *in*, the criminal justice apparatus, in practice there is a decided lack of analytical breadth and ethical consistency in applying these insights to aspects of society beyond institutions customarily associated with punishment, surveillance, and policing. This deficiency is the reason why I have written this book: to draw attention to the role of medical science and public health in carrying out precisely those punishment, surveillance, and policing functions most commonly identified with criminal justice, and therefore, to underscore the necessity of applying the same rigorous abolitionist thought to these institutions as well. The problem that I explore in *Pandemic Police Power*, therefore, impugns abolitionism as much as it relies upon its insights. As it turns out, the contradictions that inhere in contemporary abolitionism stem from a historical context in which abolition has been the source of society's ills as much as it has sought antidotes to them.

Abolition is usually presumed to have arisen as a response to slavery and other forms of oppression across the eras. *Pandemic Police Power's* critical take on abolitionism, however, is grounded in the fact that abolition has served as the *precondition* for enslavement in each successive historical period. Emerging Europe's relationship to human bondage, which eventually would bring virtually the entire planet within the ambit of its yoke, began with a paradox between slavery and freedom peculiar to Western culture and unique in human history. Slavery of some kind has been part of most human societies throughout time. Indeed, such was the case throughout the premodern European subcontinent. In early medieval England, for instance, just over 10 percent of the population was classified as slaves in 1086.<sup>14</sup> The presence of European slaves on the subcontinent would fairly quickly disappear from this point forward, however, such that despite the persistence of various forms of limited compulsion, by the end of the fifteenth century, labor relations were qualitatively distinct from slavery and largely conformed to modern conceptions of free labor.<sup>15</sup> The abolition of slavery for western Europeans, therefore, made the emergent modern civilization

of the subcontinent distinctive in human history. Where avoiding or rejecting slave status has been necessary for people in societies everywhere, and non-Western cultures have extensive records debating which persons are eligible for slavery under which conditions, the notion that society should be free of slavery altogether was a uniquely Western phenomenon.<sup>16</sup>

With the abolition of enslavement for Europeans came the uniquely Western conceptions of individual rights and possessive individualism. The increasing freedoms for the individual were symptomatic of two consequential developments underwriting the emergent Western civilization: a shift away from property-in-common to individual property rights, and the capacity to express self-possession as a right to hold property in other people. Europeans might exercise their possessive individualism as freedom from social bonds, or increasingly, by avoiding hiring out these rights to others in return for wages; they might enter the labor market and temporarily trade their rights in persons for wages; or they might purchase property rights in others outright. Indeed, northwestern Europeans in particular developed the most sophisticated conceptions of personal freedom *as* they increasingly concentrated the right to other people as property in the hands of an elite few.

The key to unraveling the slave-free paradox of Western civilization, therefore, lies within European culture itself. Given the high costs of transit from Africa to the Americas, it would have been more profitable to enslave Europeans and transport them to the New World.<sup>17</sup> Indeed, the precedents for European enslavement were ample and coincident: beyond the long history of bondage and servitude on the subcontinent, Europeans in the early modern period were already developing institutions for controlling the dispossessed among them, including exporting bonded or convict labor to the overseas colonies.<sup>18</sup> But the steady abolition of bondage and the concomitant appearance of the possessive individual throughout the medieval period conjoined with an insular civilization structured in racial persecution to make it culturally untenable for Europeans to enslave their own in the emergent modern world.<sup>19</sup>

European overseas expansion could not have occurred without such a scope, which implied the freedom to enslave others. If neither Africa nor the Americas expanded overseas, it was, perhaps, because of their *social structures* rather than any limited wealth and technology. A corollary is that the impact of European values and social relationships on the non-European world may have been more important than the impact of European wealth and technology. [emphasis added]<sup>20</sup>

The European as *racialized* possessive individual thus sits at the heart of the slave-free paradox—and vitally, directs us to the African, but in ways previously misunderstood.

If the racialized autonomous individual is the product of European civilization's abolitionism, then it is also the result of a prior, much more longstanding trade by non-Europeans in African slaves going back at least to the eighth century that shaped the manner of the subcontinent's emergence into the modern era.<sup>21</sup> Western Europe's persecutorial racialism permitted the increasing freedoms of the individual—but only as it congealed its construction of the slave as African. The emergence of the possessive individual, therefore, was only the removal of group bonds *internal* to European civilization. In point of fact, and in historical reality, abolition meant the formation of a group-based power relation at a much grander scale, wherein an emergent slaveholding and slave-trading civilization established its individual liberties in relation to racialized groups external to its borders. Abolition and bondage, free and chattel, and the possessive individual European's rights to hold property in Africans not only developed in tandem with each other, but the former in each of these binaries was parasitic on each of the latter. This means that abolition produces enslavement, not the other way around, and propagates it in order to sustain a free society constituted in bondage. This goes some way toward explaining why emancipation has not meant the end of slavery as culture, but rather has been the site of its expansion and transmutation such that it could exist without any individual being legally enslaved, and moreover, that it could reproduce itself through the very mechanisms ostensibly geared toward its eradication.<sup>22</sup> In short, in the Western tradition, abolitionism has meant the retrenchment of power, not its contestation, eradication, or redistribution.

Abolitionism as the retrenchment of power is amply evident as Western societies moved to abolish slavery in the nineteenth century. This era reveals how the stories about slavery and abolition in the Western tradition are always twofold, bifurcated, and continually enfolding upon themselves: they first set about creating the servile body—unfit, incapable, and alternately vulnerable and threatening; and then, this first kind of story enables a second kind, about those who would bring salvation, the martyrs and saviors, whether through Christianity or the various modes of civility on which the modern democratic polity relies.<sup>23</sup> Extended to the convict and to prison abolition, this dual narrative has been remarkably consistent throughout the twentieth century and into the twenty-first. Implicit in the role of the emancipator is the claim of political authority grounded in the master/slave relation that takes the form, at once, of the Euro-American possessor of both the power to hold others captive and to grant freedom, and of barbaric masters and helpless slaves. Likewise, wholesale emancipation relieves slavery of its function as a social category without eliminating it as an institution and a set of cultural assumptions that structure power relations.<sup>24</sup> To argue that blacks did not deserve slavery was to reinforce the flattering assumption that freedom was both evidence and reward for moral worth, rather than the fact that freedom itself has always been a function of racial violence tied to the historical production of free whites and unfree blacks. When abolitionists criticized slavery thusly, in terms geared to persuade the majority of society which supported enslavement, they advanced a rejection of slavery couched in a contempt for enslaved persons—a sentiment not uncommon within contemporary police and prison abolition discourse.

Whereas the premodern abolition of bondage in Europe was the cultural prerequisite for the African slave trade in the first place, the abolition of racial slavery, in turn, provided the necessary condition for the elaboration of slavery's antiblackness as custom. Abolitionist discourse reveals how status is applied asymmetrically in slaveholding society: masters could be deprived of their slave property after emancipation with no loss of status because ownership of slaves conferred no special status upon them. Deprived of claims over individual chattel human beings, slaveholders could remain proprietors over blacks as a

singular class of beings-for-others—“indeed implicit in the conception of slavery as property is the assumption that mastery is an accidental property of the owner, a property she can alienate without altering her own identity.”<sup>25</sup> By the time of nineteenth century abolition, therefore, slavery as an institution was sociologically inessential to the structure of antiblack society. Antiracism since the formal end of slavery, then, can be summarized as constituted in a related version of abolition’s twin perversity: alleviating the harm that you have caused, in order that benevolence may cover the ongoing brutality; giving freedom in order to take it away again through an endless series of qualifications, contradictions, and transpositions.

The ongoing vitality of this nuanced historical context means that any invocation of abolition today must pay close attention to the matter of self-determination, to the conformity between civil society and state power, and to customs that present themselves as neutral or life-affirming—such as going to see the doctor. I draw upon abolition in this study, therefore, to build on the many insights of the prison industrial complex noted above, while also elevating the rigors of self-determination pursued by the black freedom movement against *both* slaveholding culture *and* its abolitionism across the eras. In the chapters that follow, I further excavate the police power of slaveholding culture in order to better assess public health’s relationship to modes of social control inimical to black freedom and self-determination, and thus to human liberation writ large. Tracking the contradictions of contemporary abolition will help unravel the duplicity of the Pandemic Year.

Contemporary abolitionism’s contradictory dimensions are evident in the burgeoning scholarly output on policing and prisons in the past decade. In Chapter 3, I investigate some illustrative examples of recent abolitionist scholarship on prisons, but since policing is in fact the first moment of punishment by the criminal justice system, I briefly assess at this point some of the shortcomings in recent scholarly takes on police to further delineate how *Pandemic Police Power* pursues a different path. Most of the scholarship critical of policing is an elaboration on the basic theme that the purpose of policing is not crime control, but rather social

control of the “dangerous classes” as determined by race and class hierarchies. The “dangerous classes” are those groups deemed a threat to the social order by virtue of their potential for rebellion or resistance against race or class oppression, or those groups whose very existence or behaviors offend society’s morality, despite fulfilling key cultural and economic functions (such as racialized groups, immigrants, lower-class sex workers, and drug dealers). The analysis of policing in terms of controlling the “dangerous classes” is fine as far as it goes—but it only takes us so far. Alex Vitale’s 2017 book, *The End of Policing*, illustrates the problem at hand.<sup>26</sup> *The End of Policing* is an update on what numerous other analysts have already documented, from Kristian Williams’ 2004 *Our Enemies in Blue: Police and Power in America* to Radley Balko’s 2014 *Rise of the Warrior Cop: The Militarization of America’s Police Forces*, to only cite work since 2000. Whereas some of the other studies that Vitale retreads, such as Christian Parenti’s 2000 *Lockdown America: Police and Prisons in an Age of Crisis* and the classic 1978 study *Policing the Crisis: Mugging, the State, and Law and Order* by Stuart Hall and his colleagues, actually analyze how shifts in capitalist accumulation at particular historical junctures translate into certain developments in criminal justice and its representations of “crime,” Vitale’s contribution teaches us nothing about how today’s policing is connected to the early twenty-first century political economy. If policing is indeed, as Vitale and everyone else before him has noted, an expression of the inequalities of a racist capitalist system, then in order to abolish it, or fundamentally reconceive it, would we not need to spend more time understanding these connections and less time on the litany of details about how policing happens? Vitale gives us lots of “how” but very little “why.”

*The End of Policing* illustrates the limitations of recent research on policing in the abolitionist vein because the primary responsibility for social control does *not* lie with policing in the ways that Vitale and others suggest. The defensive work of countering the narrative of policing as crime control, again, only takes us so far. As I argue elsewhere, this focus on what the criminal justice apparatus actually does is itself a feature of the social control function of criminal justice.<sup>27</sup> We are policing ourselves by keeping the focus on the police and how to change the criminal justice system. Vitale reproduces the common error of neglecting the culture

of slaveholding—that is, the fungible blackness at the center of white-over-black dominance no matter the institutional arrangements of any given political economy—that is foundational to the development of society’s police power. He only acknowledges slavery to note some parallels between the early constabulary in England and uniformed officers in antebellum New Orleans and Savannah. Without an actual analysis of slavery, Vitale thus leaves a vast chasm of unarticulated inference in which readers are invited to connect racial inequities in criminal justice practice today to an unspecified legacy of slavery, as mere residue of a long-ago past. Vitale fails to grasp, as do most contemporary abolitionist analysts, how slavery’s most important function was the creation of custom, as noted above. The police power of slavery was the reproduction of custom, and that was not primarily the job of a select group of deputized whites (slave patrols, police officers, constables), it was the duty of everyday white people. When we lose track of the fact that white society as a whole was the seat of the original police power, we forget that the primary policing function in society has always been carried out by non-state actors, across half a millennium of slavery and a century of segregation. It was not until the latter stages of the civil rights period in the mid-twentieth century that this duty nominally transitioned to the state—in other words, it has only been seen as the purview of state authority for a mere five decades.

With this historical context in mind, we can recognize that this transition was not a hand-off, but rather part of what legal scholar Anthony Farley calls “slavery perfecting itself.”<sup>28</sup> Farley notes that “the story of progress up from slavery is a lie, the longest lie...told juridically in the form of the rule of law.”<sup>29</sup> For example, Farley notes the continuities between *Plessy v. Ferguson*, the 1895 “separate but equal” case in which the U.S. Supreme Court held that segregation does not violate the 13th and 14th Amendments to the U.S. Constitution, and *Brown v. Board of Education*, the 1954 desegregation decision that overturned *Plessy*. The dissenting opinion in *Plessy* found common ground with the majority regarding the perpetuity of white supremacy. This dissenting opinion, in turn, was cited favorably by the *Brown* majority who found that segregation created a harmful sense of inferiority in black children, but not an equally destructive false notion of superiority in white kids, and

that this damage in blacks “was to be repaired by the healing presence of white children.”<sup>30</sup> From slavery to segregation to neo-segregation, explains Farley, the law perfects white-over-black dominance.

Vitale has no sense of this process and can only throw racial discourse *du jour* (“antiblackness”) at his basic palette of “excessive” policing of the “dangerous classes.” *The End of Policing* rehearses an ahistorical theme in contemporary abolitionism that policing is *newly* militarized and that attendant institutions of control (such as education) are *newly* carceral.<sup>31</sup> Slaveholding culture has always been heavily militarized and acutely carceral toward black people. *The End of Policing* ends up amplifying amorphous solutions that are already well trod across the mainstream: better training for officers, better services for communities in need, better funding for schools and other institutions at the community level. Instead of approaching “the end of policing,” then, such proposals tender a more effective police power by offering greater inclusion in state and civil society, rather than an end to the antiblack structure of civil society that demands state authority over all aspects of black life. Even restorative justice methods remain unthought in Vitale’s study. Restorative justice, once again, is fine and well as far as it goes, but what is worth restoring in a society constituted in slaveholding? In his study of the Haitian Revolution, C. L. R. James wrote that when the slaves rose up they necessarily burned everything because everything was against them:

They burned San Domingo flat so that at the end of the war it was a charred desert. Why do you burn everything, asked a French officer of a prisoner. We have a right to burn what we cultivate because a man has a right to dispose of his own labour, was the reply of this unknown anarchist.<sup>32</sup>

Restorative justice models advance individual-level remedies for problems that are structural in nature. When restorative justice programs are posed as alternatives to police, they function as social control insofar as they distract from the slaves’ prerogative to destroy tirelessly, as James put it.<sup>33</sup>

The fetish-like focus on the criminal justice system, at the expense of the multi-faceted process by which the police power reproduces historical structures of dominance, means it is unsurprising that so few critics of policing have had anything substantive to say on public health in general, and on the present pandemic specifically. Brendan McQuade and Mark Neocleous' recent article "Beware: Medical Police" thus stands out. McQuade and Neocleous correctly point out that medical policing was a feature of the first modern police entities formed in the late eighteenth century to manage the social upheaval of early industrial capitalist society.

It was police as *social policy* and hence *social policy as police*. It was, in other words, an art of government and an exercise in technologies of power through a network of institutions and animated by ways of knowing that produced modern social order. While policing was oppressive, its real power is manifest in the management of life and ways of living. Hence, medical police focused on the promotion of the collective health of the population which in turn involved the policing of the health of individuals. This health of individual bodies and the collective body politic was expected to underpin the economic productivity of the labour force.<sup>34</sup>

Schematically, this apprehension of how the police power works is generative. In practice, however, McQuade and Neocleous only direct this analysis to capitalist production and the policing of its "dangerous classes," once more. Policing, it seems, is only what the police do, and hence, there is no analysis of the police power of slaveholding culture, of the reproduction of white-over-black custom throughout society. Most problematically, moreover, McQuade and Neocleous take the medical science and public health aspects of the present pandemic at face value. They are only concerned with how the pandemic gives further license to excessive, discretionary, and biased law enforcement.

In fact, the pandemic reiterates how social analysis on abolition and the police power remains mired within scholars' various institutional disciplines, despite the academy's oft-expressed fondness for "interdisciplinarity." Those who think in terms of police are disciplined by socio-criminological frameworks to privilege the criminal justice system.